

## S. CON. RES. 26

Whereas execution by stoning is an exceptionally cruel form of punishment that violates internationally accepted standards of human rights, including those set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

Whereas women around the world continue to be targeted disproportionately for cruel, discriminatory, and inhuman punishments by governments that refuse to protect equally the rights of all their citizens;

Whereas the brutal sentence of execution by stoning is pronounced in many countries on women who have been accused of adultery, a charge that is brought even against victims of coerced prostitution or rape;

Whereas in some places execution by stoning has been invoked as punishment for "blasphemy," thereby suppressing religious freedom and diversity and stifling political dissent;

Whereas, in July 2002, Amnesty International referred to execution by stoning as "a method specifically designed to increase the victim's suffering";

Whereas, in 2002, the European Union, the Secretary General of the Council of Europe, the Government of Australia, the Minister of Foreign Affairs and Trade of New Zealand, the President of Mexico, the Congress of Deputies of Spain, and other world leaders all condemned execution by stoning and called for clemency for individuals sentenced to stoning; and

Whereas, according to the Country Reports on Human Rights Practices of the Department of State, the sentence of execution by stoning continues to be imposed in several countries: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) condemns the practice of execution by stoning as a gross violation of human rights and appeals to the international community to end the practice;

(2) requests the President formally to communicate this resolution to governments that permit this cruel punishment and to urge the termination of execution by stoning; and

(3) requests the President to direct the Secretary of State to work with the international community to promote adherence to international standards of human rights and repeal laws that permit execution by stoning.

#### AUTHORIZING USE OF THE CAPITOL GROUNDS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 53 and H. Con. Res. 96, en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolutions by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 53) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

A concurrent resolution (H. Con. Res. 96) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolutions, en bloc.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the con-

current resolutions be agreed to, en bloc, and that the motions to reconsider be laid upon the table, en bloc, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolutions (H. Con. Res. 53 and H. Con. Res. 96) were agreed to, en bloc.

#### AUTHORIZING PRINTING OF BIOGRAPHICAL DIRECTORY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 138, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 138) authorizing the printing of the Biographical Directory of the United States Congress, 1774-2005.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 138) was agreed to.

#### REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 134, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) to authorize representation by the Senate Legal Counsel in *Newdow v. Eagen, et al.*

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 134

Whereas, S. Res. 343, 107th Congress, authorizes the Senate Legal Counsel to represent the Secretary of the Senate and the Senate Financial Clerk in the case of *Newdow v. Eagen, et al.*, Case No. 1:02CV01704, pending in the United States District Court for the District of Columbia;

Whereas, additional defendants have been named in that case; and

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent officers and employees of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved* That the Senate Legal Counsel is authorized to represent all Senate defendants in the case of *Newdow v. Eagen, et al.*

#### HONORING JAMES A. JOHNSON

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 137, submitted earlier today by Senators FRIST, DASCHLE, STEVENS, KENNEDY, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 137) honoring James A. Johnson, Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues, Senators FRIST, DASCHLE, STEVENS, and KENNEDY, to cosponsor a resolution honoring a very distinguished American who I am proud to call my very dear friend—Mr. James Johnson.

Minnesota has produced some extraordinary political individuals—Harold Stassen, Hubert Humphrey, Eugene McCarthy and Walter Mondale, among others. But among those who have never sought public office, but are still devoted to public policy and the power of good government, Jim Johnson stands out.

Born in the small town of Benson, Jim Johnson was exposed at an early age to Minnesota politics, where his father, Alfred Ingvald, was a leading figure in the Democratic-Farmer-Labor Party, serving for 2 years as speaker of the Minnesota House.

A natural politician, Jim was elected student body president at the University of Minnesota when only a sophomore, then went to Africa on a grant from the Ford Foundation, and earned a masters degree from Princeton University's Woodrow Wilson School of Government.

After serving on his Senate staff, Jim served as Executive Assistant to Vice President Walter Mondale and served as campaign director of the Vice President's 1984 bid for the White House.

In the private sector, Jim founded Public Strategies, with Richard Holbrooke, and later served as a managing director at Lehman Brothers.

Most notably, he also served as chairman and CEO of Fannie Mae, with the goal of allowing more Americans to fulfill their dreams of home ownership, and then as the chairman of the Kennedy Center.

For the last 7 years, Jim Johnson has done a remarkable job at the center.

During his tenure, Congress approved a \$650 million construction project that will include two new buildings and a large plaza, to better connect the center with the rest of the city.

He has made the center more accessible to the public, thanks to the free 6 p.m. performances that are held every day.

And who could forget last year's superb tribute to the America master, Stephen Sondheim?

At the same time, the Kennedy Center Awards have become nationally recognized and broadcast on prime time TV.

Not only has Jim Johnson worked tirelessly on behalf of the Kennedy Center, he has also been one of the center's most generous benefactors.

There is an old story about Jim Johnson, when he and former President Clinton were in their mid 20s and trying to gain their footing in the political arena.

What was very clear to everyone who knew the two of them back then: both had a real shot of becoming President of the United States.

Well, Jim Johnson never took the path of elected office. But he went on to serve our Nation with great distinction, in the public and the private sector, and he still has so much left to give. Wherever he goes and whatever he does, Jim Johnson will surely leave an indelible mark.

His wife Maxine and their son Alfred are immensely proud of this extraordinary man, just as I consider myself so very fortunate to call him my friend.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 137) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 137

Whereas James A. Johnson has served with distinction since 1996 as the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, which is the national center for the performing arts;

Whereas under the leadership of Jim Johnson, the Kennedy Center has earned impressive renown, and become one of the finest performing arts institutions in the Nation and around the world;

Whereas Jim Johnson initiated free public performances each evening on the Millennium Stage at the Kennedy Center, and these performances have now included a total of 25,000 performers and reached an audience of 1,500,000 persons since 1997;

Whereas the arts education programs of the Kennedy Center have been significantly expanded under the inspired leadership of Jim Johnson;

Whereas Jim Johnson has launched a major renovation and construction project

to improve the physical structure of the Kennedy Center and enrich the experience of all who visit and attend performances; and

Whereas Jim Johnson deserves the thanks of a grateful Nation for his leadership at the Kennedy Center, and in bringing new vitality to the cultural heritage of our Nation: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its appreciation for all that Jim Johnson has accomplished; and

(2) commends Jim Johnson for his extraordinary achievements as Chairman of the John F. Kennedy Center for the Performing Arts.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Democratic Leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105-275, further amended by S. Res. 75, adopted March 25, 1999, and S. Res. 383, adopted October 27, 2000, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 108th Congress: Senator ROBERT C. BYRD of West Virginia (Democratic Administrative Co-Chairman); Senator CARL LEVIN of Michigan (Democratic Co-Chairman); Senator JOSEPH R. BIDEN, JR. of Delaware (Democratic Co-Chairman); Senator EDWARD M. KENNEDY of Massachusetts; Senator PAUL S. SARBANES of Maryland; Senator JOHN F. KERRY of Massachusetts; Senator BYRON L. DORGAN of North Dakota; Senator RICHARD J. DURBIN of Illinois; Senator BILL NELSON of Florida.

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d-276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the First Session of the 108th Congress, to be held in Canada, May 15-19, 2003: Senator PATRICK J. LEAHY of Vermont; Senator DANIEL K. AKAKA of Hawaii.

#### ORDERS FOR FRIDAY, MAY 9, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Friday, May 9. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and that the majority leader then be recognized to speak in morning business.

Further, I ask unanimous consent that following those remarks, the Senate then resume consideration of S. 14, the energy bill.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Prior to our closing tonight, I want to lay on the record that I think we have had a pretty good week

this week. There has been a lot of work done by both sides, and we have accomplished a great deal. Today was an indication of what can be done if we work together.

I know people in the majority feel strongly about Miguel Estrada and Priscilla Owen. I have to say the record this Senate has established regarding the approval of judges is tremendous. Today we approved the 124th judge during the administration of this President Bush. That is pretty good.

I hope those Senators who feel so intently about Priscilla Owen and Miguel Estrada—it is certainly their right to feel so strongly, as people on this side feel strongly regarding opposition of the two judges—also recognize the number of judges that have been approved. We think we have done a good job. In fact, this week I asked my staff how many we approved. I think it was four or five judges even this week. So we are moving right along.

I have no objection to the unanimous consent request of the distinguished majority whip.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, let me say that the Senator from Nevada is certainly correct. A number of judges have been confirmed. But also this Senate and this Congress will be remembered, apparently—we will see at the end of the Congress—apparently be remembered as the first Senate since 1968 to kill a nomination through the use of the filibuster.

There have been occasional cloture motions over the years, but they have been used to advance the completion of a nomination—not to stop it—with the exception of Fortas in 1968, which was right before a Presidential election. We are not right before a Presidential election. I think this unfortunate precedent that has been set is one that we have had much discussion about on the floor and will be regretted by Senators on both sides of the aisle through the years.

#### PROGRAM

Mr. McCONNELL. For the information of all Senators, tomorrow morning the Senate will resume debate on the energy bill. The majority leader will offer an amendment related to ethanol upon going to the bill tomorrow morning. There will be no rollcall votes tomorrow, but I encourage Senators to come to the floor to debate the amendment.

Next week, on Monday, the Senate will take up the reconciliation bill. No rollcall votes will occur on Monday. However, Members are encouraged to make their opening statements during that day. The majority leader would like to remind all Senators that next week is expected to be a busy legislative week, and Members should schedule themselves accordingly. The next rollcall vote will occur on Tuesday, and Members will be notified when that vote is scheduled.